

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

02/01/99

In re Reissue Patent Application of: Mark Lyte

Title: COMPOUNDS FOR MODULATING GROWTH OF INFECTIOUS AGENTS

Attorney Docket No.: 933.001USR

REISSUE PATENT APPLICATION TRANSMITTAL

BOX PATENT APPLICATION

Assistant Commissioner for Patents

Washington, D.C. 20231

We are transmitting herewith the following attached items and information (as indicated with an "X"):

- X Application for **REISSUE** of U.S. Utility Patent No. 5,629,349 (Mark Lyte) comprising:
- X Communication Re: Transmittal of Reissue Application (2 pgs).
 - X Copy of the entire specification of the patent (16 columns, including claims numbered 1 through 2 and an abstract).
 - X Copy of the printed drawings of the patent (sheets 1 through 16).
 - X Declaration [of Inventor] for Broadening Reissue Application (10 pgs).
 - X Offer to Surrender Original Patent (1 pg).
 - X Assent by Assignee and Power of Attorney (2 pgs).
 - X Request to Transfer Drawings (1 pg).
 - X Check in the amount of \$476.00 to pay the filing fee.
 - Information Disclosure Statement (4 pgs), Form 1449 (1 pg), and copies of cited references (6).
 - Claims Amendment and Discussion (10 pgs).
 - Reassignment Agreement (1 pg), recordation cover sheet, and check in the amount of \$40.00 to pay the recordation fee.
 - Contribution Agreement (2 pg), recordation cover sheet, and check in the amount of \$40.00 to pay the recordation fee.
 - Return postcard.

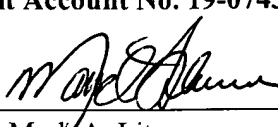
The filing fee has been calculated below as follows:

| | No. Filed | No. Extra | Rate | Fee |
|---|-----------|-----------|--------|----------|
| TOTAL CLAIMS | 22 - 20 = | 2 | x 9 = | \$18.00 |
| INDEPENDENT CLAIMS | 5 - 3 = | 2 | x 39 = | \$78.00 |
| [] MULTIPLE DEPENDENT CLAIMS PRESENTED | | | | \$0.00 |
| BASIC FEE | | | | \$380.00 |
| TOTAL | | | | \$476.00 |

Please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: 
 Atty: Mark A. Litman
 Reg. No. 26,390

Customer Number 21186

"Express Mail" mailing label number: EM287852441US

Date of Deposit: February 1, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

By: Chris Hammond

Signature: Chris Hammond

Patent and Trademark Office in connection therewith, and to receive the Letters Patent. Please direct all communications to the following:

Mark A. Litman, Esq.
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
1600 TCF Tower
121 South Eighth Street
Minneapolis, MN 55402
(612) 373-6975

CERTIFICATE UNDER 37 CFR §3.73(b)

BioNutrix, LLC, hereby certifies that it is the assignee of the entire right, title, and interest in U.S. Patent No. 5,629,349 identified above by virtue of a contribution agreement from the inventor, Mark Lyte, dated June 17, 1998, a copy of which is submitted concurrently herewith for recordation. To the best of my knowledge and belief, title is in the assignee, BioNutrix, LLC.

Pursuant to 37 C.F.R. §3.73(b) I hereby declare that I am empowered to sign this certificate on behalf of the assignee, BioNutrix, LLC.

I hereby declare that all statement made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true.

Date: 2.1.99

Signature: 

Name : Ted Schwarzrock

Title : President, BioNutrix, LLC

REISSUE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark Lyte

Serial No.: Unknown

Filed: Concurrently Herewith

Docket: 933.001USR

Title: COMPOUNDS FOR MODULATING GROWTH OF INFECTIOUS AGENTS

COMMUNICATION RE: TRANSMITTAL OF REISSUE APPLICATION

BOX PATENT APPLICATION

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

Please find enclosed herewith an application for reissue of U.S. Patent No. 5,629,349, issued on May 13, 1997, to Mark Lyte and entitled "Compounds for Modulating Growth of Infectious Agents", which reissue application includes the following:

1. Reissue Application including Specification, Claims, Abstract, and Drawings;
2. Declaration [of Inventor] for Broadening Reissue Application;
3. Offer to Surrender Original Patent;
4. Assent by Assignee and Power of Attorney;
5. Request to Transfer Drawings and copy of drawings as printed in patent of parent application;
6. Information Disclosure Statement, Form 1449, and copies of cited references;
7. Claims Amendment and Discussion;
8. Reassignment Agreement, recordation cover sheet, and check to pay recordation fee;
9. Contribution Agreement, recordation cover sheet, and check to pay recordation fee; and
10. A check to pay the reissue filing fee.

COMMUNICATION RE. TRANSMITTAL OF REISSUE APPLICATION

Page 2

Application for Reissue of U.S. 5,629,349 (Serial No. 08/266,805)

Docket: 933.001USR

Title: COMPOUNDS FOR MODULATING GROWTH OF INFECTIOUS AGENTS

Please charge any additional required fees, or credit overpayment, to Deposit Account
No. 19-0743.

Respectfully submitted,

MARK LYTE

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

(612) 373-6975

Date

1 February 1999

By

Mark A. Litman

Mark A. Litman

Reg. No. 26,390

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Name Chris Hammond

Signature Chris Hammond